

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

WILLIAM MATTHEW LOLLIS,  
Plaintiff,  
v.  
ZELL, et al.,  
Defendants.

No. 2:22-cv-00433 DB P

ORDER


Plaintiff is a state prisoner proceeding pro se with a civil rights action under 42 U.S.C. § 1983. On March 28, 2022, plaintiff filed a document, partially titled “Request for Cancel of Previous Petition Case# 2:22-cv-00433-DB,” in which petitioner requests that this action be dismissed. (ECF No. 6 at 1.)

Under Rule 41(a)(1) of the Federal Rules of Civil Procedure, a plaintiff may voluntarily dismiss an action without a court order if they file a notice of dismissal prior to an opposing party serving an answer or motion for summary judgement. Unless the notice provided by the plaintiff states otherwise or plaintiff has previously dismissed a state or federal action based on this claim, such a dismissal would be without prejudice. Fed. R. Civ. P. 41(a)(1)(B).

In the present case, defendants have not filed an answer or motion for summary judgement. Thus, plaintiff may voluntarily dismiss this action on his own request without a court order. Plaintiff has provided sufficient notice for dismissal under Rule 41(a)(1). (ECF No. 6.)

1 Accordingly, this case has been dismissed without prejudice by request of the plaintiff and  
2 the Clerk of the Court shall close this case.<sup>1</sup>

3 Dated: April 7, 2022

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6 DEBORAH BARNES  
7 UNITED STATES MAGISTRATE JUDGE  
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27 <sup>1</sup> In permitting plaintiff to dismiss this action, the court makes no findings as to the timeliness of  
28 plaintiff's claims. The court also does not make any finding as to whether plaintiff's claims will  
be timely if brought in a subsequent action.